

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MONTANA
BILLINGS DIVISION**

**NATIVE ECOSYSTEMS
COUNCIL, et al.,**

Plaintiffs,

vs.

**JOHN MEHLHOFF, State Director,
the BUREAU OF LAND
MANAGEMENT, et al.,**

Defendants.

CV 20-19-BLG-SPW

**ORDER ADOPTING
MAGISTRATE'S FINDINGS
AND
RECOMMENDATIONS**

The United States Magistrate Judge filed Findings and Recommendations on July 6, 2020. (Doc. 13.) The Magistrate recommended granting Plaintiffs' Motion for Preliminary Injunction, (Doc. 5), and denying Defendants' request for a security bond to be posted. (*Id.* at 21.)

Pursuant to 28 U.S.C. § 636(b)(1), parties are required to file written objections within 14 days of the filing of the Magistrate's Findings and Recommendations. No objections were filed. When neither party objects, this Court reviews the Magistrate's Findings and Recommendations for clear error. *McDonnell Douglas Corp. v. Commodore Bus. Mach., Inc.*, 656 F.2d 1309, 1313 (9th Cir. 1981). Clear error exists if the Court is left with a "definite and firm conviction that a

mistake has been committed.” *United States v. Syrax*, 235 F.3d 422, 427 (9th Cir. 2000).

After reviewing the Findings and Recommendations, this Court does not find that the Magistrate committed clear error. Plaintiffs have satisfied the elements for a preliminary injunction under *Winter v. Nat. Res. Def. Council, Inc.*, 555 U.S. 7, 24 (2008). The Iron Mask Supplemental Environmental Assessment failed to satisfy the requirements of the Court’s order in *Native Ecosystems Council v. Judice*, 2019 WL 1131231 (D. Mont. 2019). A preliminary injunction is warranted. Furthermore, the Court will not require Plaintiffs to post a bond under Fed. R. Civ. P. 65(c) for the reasons stated in the Findings and Recommendations (Doc. 13 at 19–21.)

IT IS ORDERED that the proposed Findings and Recommendations entered by the United States Magistrate Judge (Doc. 13) are **ADOPTED IN FULL**.

IT IS FURTHER ORDERED:

1. Plaintiffs’ Motion for Preliminary Injunction (Doc. 5) is **GRANTED**.
2. Defendants’ request that Plaintiffs post a security bond is **DENIED**.
3. Defendants are **PRELIMINARILY ENJOINED** from implementing the vegetation and riparian treatments authorized by the Iron Mask Planning Area Environmental Assessment, Iron Mask Planning Area Supplemental Environmental Assessment, and 2019 Iron Mask Decision Record for Upland and Riparian Vegetation and Treatments.

DATED this 24th day of July, 2020.


Susan P. Watters
SUSAN P. WATTERS
United States District Judge